

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Partovi et al.

Application No.: 09/621,715

Confirmation No.: 8722

Filed: July 24, 2000

Art Unit: 2614

For: VOICE AND TELEPHONE KEYPAD BASED DATA ENTRY FOR INTERACTING WITH VOICE INFORMATION SERVICES

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**APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION**  
**UNDER 37 C.F.R. § 1.705(D)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant requests reconsideration of the patent term adjustment indicated in the Issue Notification of October 15, 2008.<sup>1</sup>

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268600US1 from which the undersigned is authorized to draw.

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<sup>1</sup> Applicant's representative, Maurice Pirio, discussed issues relating to the filing of this Application with Mr. Kery Fries of the U.S.P.T.O. on November 20, 2008. Mr. Fries advised that applicant may wait until the time of issuance and file an application under 37 C.F.R. § 1.705(d), rather than file an application under 37 C.F.R. § 1.705(b). (See, also, "Decision Holding PTA Request in Abeyance Until After Issue Date," U.S. Patent Application No. 10/274,829, Jan. 30, 2007.)

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 1319 days. The PTO's calculated patent term adjustment is 651 days. Applicant is entitled to an additional 668 days of patent term adjustment.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 767 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 890 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 99 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 239 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is  $767+890-99-239$ , which is 1319 days.

(ii) Relevant Dates

A Delay		
Filing Date	07/24/2000	↓
First Office Action	10/24/2003	760
Reply to Office Action	11/15/2004	↓
Next Office Action	03/22/2005	7
Total		767

B Delay		
Filing Date	07/24/2000	↓
Request for Continued Examination	12/30/2005	890
Total		890

Overlap		
36-Month Date	07/24/2003	↓
First Office Action	10/24/2003	92
Reply to Office Action	11/15/2004	↓
Notice of Allowance	03/22/2005	7
Total		99

Reduction		
Office Action	10/24/2003	↓
Reply	04/26/2004	93
Office Action	07/14/2004	↓
Reply	11/22/2004	39
Office Action	03/22/2005	↓
Reply	09/06/2005	76
Office Action	04/04/2006	↓
Reply	08/04/2006	31
Total		239

(iii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.


(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment of 239 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to

engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: January 2, 2009

Respectfully submitted,

By 

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